



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CARCAGNO *et al.*

Appl. No.: 09/830,968

§ 371 Date: November 6, 2001

For: **Method for the Massive Culture
of Cells Producing Recombinant
Human Erythropoietin**

Confirmation No.: 7301

Art Unit: 1636

Examiner: Kaushal, Sumesh

Atty. Docket: 1909.0040002/JAG/PAJ

**Second Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97 (b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on April 21, 2005 in connection with the above-captioned application.

Copies of documents **FP1** and **NPL1-NPL2** are submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document **FP1** on Form PTO/SB/08A:

Document **FP1**, JP 05-252942, is in the Japanese language. An English language abstract of document **FP1** is cited as document **NPL2** and submitted herewith.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114, filed herewith. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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